

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

BLUE BELL CREAMERIES, L.P.

Defendant.

§§§§§§§§§§§§
CRIMINAL ACTION NO.
1:20-CR-123-RP

WAIVER AND CONSENT TO SENTENCING BY VIDEO CONFERENCE

I acknowledge that Federal Rule of Criminal Procedure 43 requires the presence of Blue Bell Creameries, L.P. (“Blue Bell”), for which I am the authorized corporate representative, before a United States District Judge for sentencing. *See United States v. Navarro*, 169 F.3d 228, 239 (5th Cir. 1999) (holding that a court may not sentence a defendant by video conference unless the defendant consents). I further acknowledge that I, on behalf of Blue Bell, may waive the requirement to appear in person before a judge for sentencing and Blue Bell may consent to sentencing conducted by videoconference.

Blue Bell and I have discussed with our attorney the implications of waiving the requirement to appear in person and we understand the consequences of such a waiver. Blue Bell is choosing to knowingly, intelligently, and voluntarily waive the Rule 43 requirement to be sentenced in person.

Blue Bell consents to United States District Judge Robert Pitman sentencing Blue Bell via video conference. Blue Bell consents of its own free will and volition. Nobody, including Blue Bell’s attorney, the attorney for the government, or the Court, has coerced the decision to consent to sentencing via video conference.

Blue Bell, after consultation with its attorney, voluntarily and knowingly waives the right to appeal the sentence based on the manner in which sentencing was conducted (by videoconference). This waiver applies to a proceeding pursuant to 28 U.S.C. § 2255.

September 4, 2020

Date

Samuel Sommer

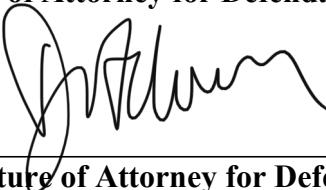
Defendant Blue Bell Creameries, L.P., by its
authorized representative Samuel Sommer, Chief
Financial Officer

Douglas A. Fellman

Name of Attorney for Defendant (Print)

9 - 4 - 20

Date


Signature of Attorney for Defendant